

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

THE PENCIL GRIP, INC.,

Plaintiff,

~ against ~

**THE PARTNERSHIPS and
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE “A”,**

Defendants,

Case No.: 1 : 24 -cv- 4785

Judge: The Honorable John F. Kness

NOTICE OF MOTION

**OPPOSED MOTION BY DEFENDANT FIRESARA-US PURSUANT TO
RULE 55(c); 60(b); AND ARTICLES 15 and 16 of
THE HAGUE CONVENTION ON SERVICE ABROAD
TO VACATE DEFAULT JUDGMENT, TO VACATE INJUNCTION,
AND TO CONFIRM THAT
PURPORTED SETTLEMENT AGREEMENT IS NOT OPERATIVE**

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, Rule 55(c), Rule 60(b) and other relevant rules and practices of this Court; as well as the Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters (Hague Convention), Arts. 15-16, 20 U.S.T. 361 (Nov. 15, 1965), the Defendant FireSara-US shall appear before the Honorable District Judge John F. Kness at such time this matter may be scheduled to be presented and heard on the following Motion:

Motion by Defendant FireSara-US pursuant to Federal Rules of Civil Procedure Rules 55(c), 60(b) and other relevant rules and practices for this Court for Order vacating the Default Judgment purportedly entered on October 16, 2024 (ECF 41), as

against Defendant FireSara-US because the purported Default Judgment is Void, and because the Default Judgment (even if validly issued) should be vacated because the Defendants' failure to appear was without fault and for good cause; and because FireSara-US has a prima facie and meritorious defense. Defendant FireSara-US also seeks an Order Vacating the Injunction and confirming that the purported settlement agreement is not operative.

Pursuant to District Judge John F. Kness' rules, the parties have conferred and agreed to the following briefing schedule:

1. **February 17, 2025** – Movant's Opening Brief
2. **March 10, 2025** – Plaintiff's Response, if any
3. **March 24, 2025** - Movant's Reply, if any.

Pursuant to Judge Kness' rules, the Honorable Court will determine whether a hearing is required and will notify the Parties accordingly.

Dated: February 6, 2025

RESPECTFULLY SUBMITTED,

By: 

Baruch S. Gottesman, Esq.
New York Bar No. 4480539
GOTTESMAN LEGAL PLLC
11 Broadway, Suite 615
New York, NY 10004
Phone: (212) 401-6910
bg@gottesmanlegal.com

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2025, simultaneous with the filing of this Submission, a copy of this submission was served upon counsel for all Appearing Parties using the court's CM/ECF system which will provide a notice of electronic filing to the following counsel of record of consent in writing to accept this notice of service of this document by electronic means:

Rishi Nair, Esq.

NAIR LAW LLC

161 N. Clark Street, Suite 1600

Chicago, IL 60601

Phone: (312) 375-1573

Email: Rishi.Nair@NairLawLLC.com

Counsel for Plaintiff The Pencil Grip, Inc.

All Appearing Parties